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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,130	01/29/2002	Hironori Katou	020087	3477

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EXAMINER

CHAN, WING F

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,130

Applicant(s)

KATOU ET AL.

Examiner

Wing F. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Johannsen et al (US PAT. NO. 5,774,529, hereinafter Johannsen).

Regarding claims 5, 10, Johannsen discloses a machine management method comprising the steps of: making an access (e.g. col. 3 lines 24-29) to a remote monitoring apparatus (26) from a communication device (14) connected to a managed machine (12) so as to transmit a condition data of the managed machine (e.g. col. 3 lines 29-34); carrying out troubleshooting so as to detect the cause of failure when the remote monitoring apparatus confirms an occurrence of failure based on the condition data (e.g. col. 3 lines 35-53); and giving a message of the occurrence of failure and the cause of failure decided by troubleshooting to a predetermined destination (e.g. col. 3 lines 48-53).

3. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Petite (US PAT. NO. 6,628,764).

Petite discloses a machine remote monitoring system (e.g. Fig. 1) comprising: means for determining identification information of call station in response to an incoming call (e.g. note transmitter ID in Fig. 2, Fig. 7, col. 8 lines 7-28, col. 10 lines 11-15); communication means (e.g. receiver at central station) which starts communication with the call station when the determining means makes a decision such that a call comes from a previously registered station; means for confirming an operating condition of machine connected with the call station based on the condition data transmitted from the call station in the communication (e.g. col. 9 line 66 to col. 10 line 23, in which the central station processes the received data to determine a failure); and information providing means for giving an information such that a failure occurs to a predetermined destination when the condition data is not a predetermined normal value or predetermined data showing an occurrence of failure (e.g. col. 4 lines 4-16, col. 10 lines 11-23). Note entire patent.

4. Claims 5, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al (US PAT. NO. 5,987,105 hereinafter Jenkins).

Regarding claims 5, 10, Jenkins discloses a machine management method comprising the steps of: making an access (e.g. abstract, col. 4 lines 2-20) to a remote monitoring apparatus (13) from a communication device (5) connected to a managed machine (1) so as to transmit a condition data of the managed machine (e.g. col. 4 lines 22-33); carrying out troubleshooting so as to detect the cause of failure when the remote monitoring apparatus confirms an occurrence of failure based on the condition

data (e.g. col. 4 lines 35-49, col. 5 line 40 to col. 10 line 22); and giving a message of the occurrence of failure and the cause of failure decided by troubleshooting to a predetermined destination (e.g. col. 4 lines 34-49).

5. Claims 1, 2, 5, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnstone (US PAT. NO. 4,390,953).

Regarding claims 5, 10, Johnstone discloses a machine management method comprising the steps of: making an access (e.g. abstract, Fig. 2A, col. 4 lines 24-35) to a remote monitoring apparatus (10) from a communication device (50, 52) connected to a managed machine (12) so as to transmit a condition data of the managed machine (e.g. see Fig. 2A); carrying out troubleshooting so as to detect the cause of failure when the remote monitoring apparatus confirms an occurrence of failure based on the condition data (e.g. Figs. 2A, 2B, col. 4 line 65 to col. 7 line 6); and giving a message of the occurrence of failure and the cause of failure decided by troubleshooting to a predetermined destination (e.g. col. 6 lines 51-68).

Regarding claim 1, Johnstone discloses a machine remote monitoring system (e.g. Fig. 1) comprising: means for determining identification information of call station in response to an incoming call (e.g. steps 201, 202 in Fig. 2B; communication means (e.g. modem 54) which starts communication with the call station (auto dialer 50, modem 52) when the determining means makes a decision such that a call comes from a previously registered station; means for confirming an operating condition of machine connected with the call station based on the condition data transmitted from the call

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station in the communication (e.g. steps 210, 212 in Fig. 2B); and information providing means for giving an information such that a failure occurs to a predetermined destination when the condition data is not a predetermined normal value or predetermined data showing an occurrence of failure (e.g. step 214 in Fig. 2B where the destination is the caller side). Note entire patent.

Regarding claim 2, note step 208 in Fig. 2B and steps 116, 118 in Fig. 2A.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johannsen.

Regarding claim 11, note Figs. 5a-5f which show condition data are sent to the remote monitoring apparatus (server) as history data. Although Johannsen differs from the claimed invention in not disclosing access is possible from any one of the maintenance staff and the user with previously allocated identification information. However, to modify Johannsen to allow authorized personnel such as any one of the maintenance staff and the user with previously allocated identification information to view the history data would have been obvious to one of ordinary skill in the art at the time the invention was made such that the problem is corrected, diagnosed and to prevent the same problem occurring in future products.

9. Claims 6-9, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johannsen in view of Ogushi et al (US PAT. NO. 6,385,497 filed 7/29/1997 hereinafter Ogushi).

Regarding claim 6, it is old and well known in the art to download an operation guide using hyperlink function when troubleshooting for problems, for example see Ogushi col. 5 line 64 to col. 6 line 3. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johannsen to comprise means for download of an operation guide using hyperlink function when troubleshooting for problems to ensure the most current information is used to troubleshoot a problem.

Regarding claim 7, note Figs. 5a-5f which show condition data are sent to the remote monitoring apparatus (server) as history data

Regarding claim 12, note Johannsen Figs. 5a-5h which show displays of received information, but lacks additional display screens relating to maintenance parts required for taking suitable measures to the cause of failure, and an order screen for ordering the maintenance parts, and the order screen is operated so as to order the maintenance parts to a provider or maker included in the network. However, it is old and well known in the art to provide additional display screens relating to maintenance and diagnostics, for example see Ogushi Figs. 5, to visually display all related information to a maintenance staff. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johannsen to comprise additional display screens related to the diagnostic results, troubleshooting procedure, and it would have been further obvious to one of ordinary skill in the art at the time the invention was made to comprise order screen for ordering the maintenance parts, and the order screen is operated so as to order the maintenance parts to a provider or maker included in the network in order to efficiently and effectively speed up the repair process once the defective part is diagnosed.

The above discussion of claim 12 also applies to claim 13. In addition, Ogushi Fig. 5 also shows the display includes links to other databases (410-412), where the operation guide reads on the instruction screen, and it would have been further obvious and logical to also provide a screen providing information about cost of maintenance

such that the remote user/owner is aware of the cost prior to making a repair and decide if a repair is worthwhile or not.

Regarding claim 14, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johannsen to provide machine identification information (e.g. serial number, model number, etc.) allocated to the machine during the access step to ensure that the machine is still under warranty and to provide the remote central appropriate information as to what machine is being service.

Regarding claims 8, 9, note that as shown in Johannsen Figs. 5a-f, other condition data such as usage information, usage pattern, are also received at the remote computer 26, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to realize that such condition data are sent from the monitored machine on a periodic basis, e.g. at a set time such as once a work or during start up operation, in addition when failure is detected.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnstone.

Regarding claim 3, note that Johnstone teaches the diagnostic computer 10 can be connected to other remote controlled machines, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify diagnostic computer to comprise a server to be able to service a plurality of remote controlled machine simultaneously.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnstone in view of Sawada et al (US PAT. NO. 5,835,816 hereinafter Sawada).

Johnstone differs from the claimed invention in not disclosing storing data at the server as history data. However, it is old and well known in the art to store incoming condition data as history data for future references, for example see Sawada col. 6 line 57 to col. 7, line 12. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnstone to store data at the server as history data for future references and help in determining the severity of the problem, e.g. servicemen needed or not.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ulinski (US PAT. NO. 5,325,156) discloses a service call initiation and feedback interface for a reprographic machine.

Yamashita et al (US PAT. NO. 5,708,909) discloses an equipment management system.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner W. F. Chan** whose telephone number is 703-305-4732.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached at 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Wing F. Chan', with a stylized, flowing script.

WING F. CHAN
SENIOR PRIMARY EXAMINER
TECHNOLOGY CENTER 2600

WFC
12/3/03